

REPORT

Of Committee appointed to Enquire into the necessity, propriety and expediency of petitioning the legislature, praying for the abolition of all legal authority for the Collection of debts under one hundred dollars, or such sum as may be decided upon, consisting of Messrs. Dickson, Holmes, Rastall, Valentine and Gunn. Having considered the matter as maturely as the limited time at our disposal on this occasion will permit, beg leave to report:—

That after making due allowance for that portion of the destitution lately prevalent in a great extent of these United Counties, justly attributable to causes beyond human control, Your Committee are satisfied that a large proportion of the distress consequent on that destitution arose from the activity which prevailed, for some years previously, in the suing process in the Division Courts. Through the results of this suing process, the poor settlers were, in many instances, completely fleeced and despoiled of their entire available means of existence, and left utterly destitute of resources when visited by the partial failure in the crops of 1858.

Your Committee beg it to be distinctly understood that they have no desire to lay this state of things to the charge of the Division Courts, notwithstanding the ruinous and exorbitant extravagance of their costs, and the grinding oppression on the part of individual officers of such Courts in certain instances of limited occurrence. The Division Courts, in the opinion of your Committee, are but a necessary and inevitable consequence of the present state of existing laws for the recovery of small debts. And so long as the law furnishes a remedy for the collection of petty debts, and steps in as an extorting agency in the shape of a *dun*, in the transactions between man and man, in the nature of buyer and seller, an interference which, except in cases of a fraudulent nature, your Committee are of opinion it is inexpedient, either on the grounds of justice or morality, to invoke; so long will the perpetuation of the Division Courts, or some similarly oppressive and demoralizing instrumentality be rendered necessary.

Your Committee have neither time nor opportunity, at present, to investigate the records of the Division Courts, or to ascertain for themselves, from figures, the results of the operations of these Courts for some years past. They have good reason to believe, however, that in a large proportion of cases tried in these United Counties, and in Counties adjacent thereto, the sum-total of the heartrending process of the seizure, sale and sacrifice of property, alas, in too many instances, with the utter blasting and ruination of life prospects, in a pecuniary point of view, to say nothing for the consequent impoverization of the community as a whole, and the certain demoralization of private and public virtue, honor and justice, has resulted in barely paying the costs of action—leaving the debt still hanging over the devoted head of the ruined debtor, and in many instances beyond the reach of the relentless creditor. It will thus be seen that to a very great extent, the present state of things, in regard to the collection of small debts, is alike ruinous to debtor and creditor.

The application of the machinery requisite in working out the suing process in the Division Courts involves the outlay of a large amount of unproductive labor, which might be employed to much better advantage in the prosecution of more laudable pursuits. The Judges of our County Courts, instead of being

so incessantly engaged in the harrassing and oppressive process of grinding the poor and the unfortunate in the collection of petty debts, would, by the abolition of this department of their duties, be enabled to devote a portion of their valuable time to objects of a higher and more elevating nature, involving the civil, social, educational, and moral welfare of the people.

It is urged that the abolition of these laws and Courts would necessarily lead to the total abolition of small credits, and consequently entail great hardship on the poorer and more industrious classes of the community. Your Committee are satisfied that no such result would ensue. In all rural districts, and in towns and villages there are to be found numerous instances of men who have, for periods exceeding over many years, transacted business on this credit system, and who have rarely, if ever, sued a customer in the Division Courts. The honest and deserving customer would still have the same credit extended to him by the honest and confiding dealer, while this privilege would only be withheld from the undeserving and improvident.

Your Committee are pleased to observe that this subject is worthy of the attention of a portion of the press, and the true friends of the general welfare of the people, in several parts of the Province. The results of the present system of debt and credit are the same every where, and your Committee are of opinion that no thinking man can fail to see that the late crisis through which we have been passing, and the continual depressed state of our financial and general business system, is, in a great measure attributable to the petty credit system.

Your Committee are fully aware that a change so great as is involved in the abolition of all legal remedy for the collection of petty debts is an important matter, and must belong to a re-organization, to some extent, of our entire commercial relations. They believe however, that the present, from the experience derived from our recent trials, is a proper and desirable time to agitate for the abolition of these laws. They believe that our public men and Legislators are fully alive to the necessity of a thorough revision of our entire commercial system and business relations.

In conclusion your Committee beg to recommend that your worshipful Board authorize and instruct the Warden and Clerk to communicate with, and solicit the co-operation of the various municipalities in Canada West, in reference to the promotion of this object by discussion, agitation and petition; and, on behalf of this Council, to draft a petition to the three branches of the Legislature, praying for the abolition of all laws authorizing the collection of debts under one hundred dollars in amount; those laws so ruinous and demoralizing in their nature and tendencies.

All of which is respectfully submitted,

1859
COUNTY OF ELGIN.
No. 96

PHOTOGRAPH

General Hospital

Seven o'clock - 1897

Left side view of

Warren County

Signs

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Council of Huron & Bruce
Goderich, 5th October, 1859.

To THE WARDEN OF THE
COUNTY OF *Elgin*

Sir,

I have the honor to send you annexed, the copy of a Report passed by the Council of the Corporation of the United Counties of Huron and Bruce; and will be glad to have the co-operation of the Council over which you preside, in carrying out the intentions of the said Report.

I have the honor to be,

Sir,

Your Obedt Servt,

ROBT. GIBBONS,

WARDEN HURON & BRUCE.